

# **SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL**

**DECEMBER 3, 2012**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mr. McGee, Mr. Yazbak, Mr. Zwolenski and Mr. Flaherty. Town Administrator Hamilton was also present.

## **DISCLAIMER**

Mr. Flaherty stated the following disclaimer: "This Town Council meeting is being filmed by a town volunteer. We appreciate his efforts to allow residents to view these proceedings on local cable. The town is not responsible for the taping."

## **OATH OF OFFICE FOR COUNCILMAN YAZBAK**

Since Mr. Yazbak was unable to attend the inauguration ceremony on December 1, 2012, he was sworn into office this evening by the Town Clerk.

## **APPOINTMENT OF TOWN SOLICITOR AND ASSISTANT TOWN SOLICITOR**

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves and Mr. McGee, and voted unanimously on an aye vote to move this item up next on the agenda.

**Mr. Flaherty commented there has been discussion in the past about interviewing candidates for these positions. Presently neither has been appointed. He recommended meeting as soon as possible to resolve this.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to authorize the president to call a meeting for interviews.**

#### **BVL LIQUOR AND VICTUALING LICENSES - YAMA FUJI INC.**

**Because construction has taken longer than expected, the applicant has requested an extension.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to continue this item to December 17, 2012.**

#### **ANDREWS TERRACE/BRANCH VILLAGE SEWER PLAN**

**Sewer Administrator Jim Wilcox compiled five alternate proposals to rectify the sewer problems related to Andrews Terrace, St. Paul St., Branch Avenue and a portion of Great Road. The costs for each alternate varied from \$857,900 up to \$4,413,264. Mr. Wilcox commented there is no way the properties on Andrews Terrace can support an onsite wastewater treatment system.**

**Following a conversation with Mr. Wilcox, Mr. McGee thought it might**

be possible to go from Brickle's property, located behind Andrews Terrace, pump to the gravity-fed manhole to the end of Branch Avenue. Branch Avenue would not get sewerred, it would just be there if everything fails. The cost would be approximately \$400,000.

Mr. Wilcox added that the line would just go to the beginning of Andrews Terrace and would not go down the road. The residents would be responsible for tying in.

Ms. Hamilton has been in contact with DEM regarding the violations and the Andrews Terrace area is an environmental nightmare. DEM has asked if the town is willing to work with the residents, not only for their benefit but for the benefit of the town as well, environmentally. Within three months the town would have to provide a viable plan.

Mr. Flaherty stated that if the town were to make an investment in this area, there would need to be some meaningful economic development in return in that district.

Public Works Director Raymond Pendergast felt there should be a recommendation from the Sewer Commission to the Council. Phase II was stopped by a prior Council and this problem would now cost the homeowners a substantial amount of money. Mr. Pendergast thought Phase II should move forward in an amended form.

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**Mr. Yazbak was agreeable to making an investment if the town can leverage whatever needs to be done to include the people on Andrews Terrace and open up other areas so that everyone shares in the cost and there would be future expansion for redevelopment.**

**Mr. Flaherty volunteered to contact the former Sewer Commission members to see if they would be willing to assist the town with this.**

**Mr. Yazbak does not wish to see the rest of the town share in the cost. He would rather expand the district. If the town has to assume some of the responsibility, it would be assumed for the potential of economic growth down the line if the town can afford it.**

**Christine Carey and her parents, residents of Andrews Terrace, have been dealing with the Department of Environmental Management for many years. Her parents had been told forty years ago by the town that sewers would be installed in that area yet it never happened. Ms. Carey has been looking for financial assistance with various agencies to no avail. Her home is at risk of being condemned.**

**Mr. Pendergast suggested reading the Sewer Commission minutes as he does not believe that any decision was granted by them.**

**PURCHASE AND SALES AGREEMENTS WITH DOWLING VILLAGE**

## **DEVELOPER**

**Attorney Richard Kirby, representing Mr. Albert Brien of RAM Investments, was not sure what jurisdiction the Council would have over this matter.**

**Town Planner Robert Ericson explained this project has had a master plan superceded by a preliminary plan and that is superceded by a final plan. A unilateral effort to modify a master plan is an inappropriate discussion of what the current status is. From the Planning Board's perspective, this project is not complete. They are still doing weekly inspection of site improvements.**

**Mr. Ericson added that normally in a plan you show the purchase and sales agreement so that it is made clear that you have the property under option. Beyond that the Planning Board has no specific interest in the timing or what is in the purchase and sales agreement.**

**Mr. Flaherty felt this appears to be a civil issue.**

**Mr. Jeffrey Fontaine explained that in early 2000 his father, Richard Fontaine of Fontaine Realty, was approached by developer Brian Bucci to facilitate the transfer of several properties which needed to be bought in order to construct Dowling Village. Prices were negotiated and contracts were signed. For three families the transfers have not taken place and they are now facing financial hardships.**

**Mr. Zwolenski thought the purchase and sales agreements are a civil matter. However, if the quality of the water has been compromised, the residents need to be made whole. Stormwater deficiency notices have been issued over there. He asked the Town Planner to follow up on the water quality sampling.**

**Mr. Yazbak has a number of issues he would like to discuss but will wait until the town is represented by counsel.**

**Attorney Thomas Carter, representing Bucci Development, claimed this is a private matter between the developer and the residents. The option agreements have certain contingencies that must be met before they can close on the properties. He continued that Bucci Development never had any intention or desire to delay the purchases but were stalled by numerous lawsuits initiated by the Valley Alliance and Caroly Shumway in an attempt to stop the project.**

**Bucci Development does intend to honor the terms of the agreements.**

**Mr. Carter confirmed that when Phase II, that abuts these properties, is built out and there are tenants then the homes would be purchased.**

**Mr. Michael Rapko of 25 Old Greenville Road stated prior to the building of Wal-Mart monitoring wells were supposed to be drilled.**

**He**

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**does not believe that was done. This is a serious problem for Old Smithfield Road residents as well.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to continue this to January 22, 2013.**

#### **SALE OF SURPLUS EQUIPMENT**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote that the following bids/bidders be approved and that the net proceeds be put into a restricted fund to purchase new equipment or to retire debt on equipment purchased previously: Item #4 Trailer, Cargo 1 ½ Ton for \$155.00 to Kenneth Davis; Item #10 1996 Ford Dump Truck 1 Ton for \$400 to Richard Cote; Item #11 2004 Ford Crown Victoria for \$359.00 to Roland Smith and Item #15 Ford Tractor with bucket for \$2,151 to Bradford Bridge based upon the recommendations of the Public Works Director and the Town Administrator.**

#### **AWARD OF BID FOR ROAD MATERIALS**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to award the following bids to Material Sand & Stone based upon the recommendation of the Public Works**

**Director:**

<b>Washed Sand</b>	<b>\$12.00 per ton</b>
<b>Processed Gravel</b>	<b>\$11.00 per ton</b>
<b>Loam - Regular</b>	<b>No bid per cubic yard</b>
<b>Screened</b>	<b>\$14.75 per cubic yard</b>
<b>Crushed Stone 3/8"</b>	<b>\$13.50 per ton</b>
<b>Crushed Stone 3/4"</b>	<b>\$13.25 per ton</b>
<b>Crushed Stone 1 1/2"</b>	<b>\$12.75 per ton</b>
<b>Gravel Bank Run</b>	<b>\$10.00 per ton</b>
<b>Stone Dust</b>	<b>\$11.50 per ton</b>

**BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR  
INC. COOPERATIVE AGREEMENT**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted  
unanimously on an aye vote to continue this to January 22, 2013.**

**APPOINTMENTS TO PLANNING BOARD**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 3 to 2  
on a roll call vote (Mr. McGee and Mr. Yazbak voted no) to appoint Ms.  
Mali Jones to a five-year term that expires December 1, 2017.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 3 to 2  
on a roll call vote to appoint Eugene A. Currie Jr. as the 1st Alternate  
to the Planning Board. This is a one-year term that will expire on  
December 1, 2013.**



**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to table the appointment of the 2nd Alternate to January 22, 2013.**

**Mr. Yazbak requested that the Town Clerk be included on all future requests for or dissemination of information.**

### **TOWN COUNCIL WORK PLAN**

**As stated by Mr. Flaherty, it is difficult for the Town Council to prioritize tasks and goals without a plan. He has begun a 24-month plan and asked if each Council member would come to the December 17th meeting with items to include on the plan. Mr. Flaherty would like to be able to report results at the end of the year.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to adjourn at 9:17 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**